

Amendment and Response
RRF-001
U.S.S.N. 10/643,830
Page 8

REMARKS

Claims 1-20 were presented for examination. The Office Action dated December 8, 2004 rejects claims 1-20. This paper cancels claims 3 and 5, and amends claims 1, 16, and 17. Claims 1, 2, 4, and 6-20 are now pending in the application.

Objection to Drawings

The Office Action objects to the drawings for failure to show every feature of the invention specified in the claims 5 and 15. Applicants have canceled claim 5 and added figure 6 to show the structure (i.e., plurality of straps) recited in claim 15 as originally filed. Applicants submit that no new matter has been added.

Rejection of Claims 1, 3, 4, 6, 7, 9-12, 16, 17 and 19 under 35 U.S.C. 102(b)

The Office Action rejects claims 1, 3, 4, 6, 7, 9-12, 16, 17 and 19 under 35 U.S.C. 102(b) as anticipated by Fakhrai (U.S. Patent No. 6,425,137). Applicants respectfully submit that Fakhrai does not anticipate the Applicants' claimed invention as now amended.

As now set forth in representative claim 1, the Applicants' forearm carrier has a strap that extends across an external surface of a carrier body to form an open-ended compartment for receiving articles used in cosmetics, such as scissors, eyeliner pencils, and makeup brushes. An open end of the compartment is located at a distance from a front edge of the carrier body such that an article placed in the compartment can project out of the compartment while remaining encompassed by the external surface.

Amendment and Response
RRF-001
U.S.S.N. 10/643,830
Page 9

Fakhrai shows a wristband with open-ended pockets. Articles projecting out of these pockets extend over either bare skin or clothing covering the forearm (FIG. 1). Whereas this feature may be acceptable for articles such as money or credit cards (FIG. 2), it can produce highly undesirable results when the articles are tools for cosmetic applications, such as makeup brushes and scissors. By having the compartment opening at a distance from the front edge of the forearm carrier, the Applicants' invention thus protects the wearer's skin or clothing from makeup residue or sharp points when the user inserts and removes an article from the compartment. When a wearer wants to insert an article, the article can slide along the top side of the carrier body into the open end of the compartment. In this respect, Fakhrai can be unforgiving – a misguided attempt to insert a pair of scissors or makeup brush into a Fakhrai pocket can injure the wearer's skin or soil the clothing.

Therefore, Applicants submit that Fakhrai does not disclose or suggest a compartment having an open end located at a distance from the front edge of the carrier such that an article placed into the compartment can project out of the compartment while remaining encompassed by an external surface of the carrier, as now set forth in the Applicants' claimed invention. Applicants' respectfully submit that this rejection to the claims is thus overcome.

Rejection of Claims 1, 2, 14, 17 and 18 under 35 U.S.C. 102(b)

The Office Action rejects claims 1, 2, 14, 17 and 18 under 35 U.S.C. 102(b) as anticipated by Kravchenko (U.S. Patent No. D258,246). Applicants respectfully submit that Kravchenko does not anticipate the Applicants' claimed invention as now amended.

Amendment and Response
RRF-001
U.S.S.N. 10/643,830
Page 10

As set forth in representative claim 1, as now amended, the Applicants' invention features a *forearm* carrier with a strap that extends across a carrier body and forms a compartment. This compartment snugly receives an article used in cosmetics and urges the article against an external surface of the carrier body to hold the article in place.

In contrast, Kravchenko discloses an *ankle bag* with pockets. Unlike the Applicants' claimed compartment, the pocket of Kravchenko's ankle bag does not snugly receive an article nor urge that article against an external surface to hold the article in place. Rather, the shape of Kravchenko's pocket and the use of snaps suggest that articles are deposited loosely into the pocket, instead of snugly held in place. Moreover, the use of snaps (and in some cases covering flaps) suggests that the function of the ankle bag is to enclose any articles deposited therein while being worn on an ankle, whereas the Applicants' invention enables an article to project out of the compartment while the carrier is being worn on the forearm. Therefore, Applicants submit that Kravchenko does not disclose or suggest the Applicants' claimed *forearm* carrier with its compartment that *snugly receives* an article – *used in cosmetics* – *urges that article against an external surface*, and enables the article to *project out of the compartment*, as now set forth in the Applicants' claimed invention. Applicants' respectfully submit that this rejection to the claims is thus overcome.

Rejection of Claims 1, 5, 8, and 15 under 35 U.S.C. 102(b)

The Office Action rejects claims 1, 5, 8, and 15 under 35 U.S.C. 102(b) as anticipated by Rauch (U.S. Patent No. 4,069,954). Applicants respectfully submit that Rauch does not anticipate the Applicants' claimed invention as now amended.

Amendment and Response
RRF-001
U.S.S.N. 10/643,830
Page 11

As set forth in representative claim 1, as now amended, the Applicants' invention relates to a *forearm* carrier with a compartment that extends along an external surface in a longitudinal direction of the wearer's forearm and holds an article *used in cosmetics*. In contrast, Rauch discloses a *wristband* designed specifically for carrying golf tees and markers, and provides no teaching or suggestion that a golfer can or should wear the device on the forearm. To the contrary, Rauch's stated objectives include providing a device that is sufficiently small and compact in size and does not interfere with the device golfer's freedom of movement (col. 1, lines 53-59). A device worn on the forearm and sized to carry an article used in cosmetics, such as the Applicants' invention, would fail both these objectives.

Moreover, unlike the Applicants' claimed invention, Rauch's loops for holding golf tees extend *laterally* across the wrist, and not along a *longitudinally* direction of the forearm. This orientation shows that Rauch does not teach or suggest that the wristband can hold articles used in cosmetics because such articles are too large for the wristband and would project awkwardly across the wearer's arm. Further, Rauch arguably teaches away from extending such loops along the arm's length by describing the troubles of golf tees with their "sharp ends" that tend to damage clothing or injure the fingers of the golfer (col. 1, lines 15-20). Yet if Rauch's loops were to extend longitudinally, a golfer may experience these very same troubles because of the compact size of the wristband. For instance, if the points of the tees were to face the golfer, then the golfer's clothing is at risk, if away from the golfer, than the golfer's hand is at risk.

Amendment and Response
RRF-001
U.S.S.N. 10/643,830
Page 12

In addition, Rauch intends for the golfer to wear the wristband while playing the game. If the loops were to extend longitudinally, the tees would tend to fly out from the wristband under the centrifugal force of the golfer's swing, unless, of course, the points of the tees face the golfer's hand. However, facing the points towards the golfer's hand puts the golfer's hand at greater risk because of the motion of the golfer's swing. Therefore, Rauch neither discloses nor suggests a compartment for holding articles used in cosmetics and extends along a longitudinal length of the forearm, as now set forth in the Applicants' claimed invention. Applicants' respectfully submit that this rejection to the claims is thus overcome.

Rejection of Claims 13 and 20 under 35 U.S.C. 102(b)

The Office Action rejects claims 13 and 20 under 35 U.S.C. 103 as being unpatentable over Fahkrai. Both claims depend directly or indirectly from patentable independent claims 1 and 17, respectively, and incorporate all of the limitations of its respective independent claims and are therefore patentable for at least those reasons provided above in connection with claim 1.

CONCLUSION

In view of the amendments and arguments made herein, Applicant submits that the application is in condition for allowance and requests early favorable action by the Examiner.


If the Examiner believes that a telephone conversation with the Applicant's representative would expedite allowance of this application, the Examiner is cordially invited to call the undersigned at (508) 303-2003.

Amendment and Response
RRF-001
U.S.S.N. 10/643,830
Page 13

Respectfully submitted,

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